

## LABOUR DEPARTMENT

The 6th February, 1978

No. 1109-3Lab-78/1226.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Bata Singh and Brothers, 11/7, Mathura Road Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL, TRIBUNAL HARYANA, FARIDABAD.

Reference No. 8 of 1976

between

SHRI DEEP CHAND WORKMAN AND THE MANAGEMENT OF M/S BUTA SINGH & BROTHERS, 11/7, MATHURA ROAD, FARIDABAD

Present : —

Shri Roshan Lal Sharma, for the workman.

Shri D. C. Bhardwaj for the management.

## AWARD

By order No. ID/FD/3-A-75/1766, dated 14th January, 1976, the Governor of Haryana referred the following dispute between the management of M/s Bata Singh & Brothers, 11/7, Mathura Road, Faridabad and its workman Shri Deep Chand, to this Tribunal for adjudication, in exercise of the powers conferred by clause (1) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Deep Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 16th July, 1976:—

- (1) Whether the workman resigned his job,—vide resignation, dated 30th September, 1975 and it was duly accepted and the order of acceptance of resignation was conveyed to the workman?
- (2) Whether the workman received Rs. 284 in full and final settlement of all his claim against the management including that of his reinstatement and re-employment,—vide voucher, dated 1st November 1975?
- (3) In case of non-proof of issue Nos. 1 and 2 whether the termination of services of the workman by the management is justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management. The management examined Shri Narinder Singh the Manager as M.W. 1 who proved Exhibit M-1 in which the workman had stated that if he did not work properly, he could be dismissed. This is the appointment letter. This witness also proved Exhibit M-2 which is resignation of the workman concerned which had been accepted by the management. Exhibit M-2 is a document by which the workman concerned admitted to have received all his dues from the management. Exhibit M-4 is the wage slip regarding the receipt of amount of wages including bonus. Exhibit M-5 and M-6 are wages card. Exhibit M-9, M-7 need no discussions. Exhibit M-8 again is a wage slip. Exhibit M-12 is conciliation proceedings. The management then closed their case.

Then the case was set for the evidence of the workman. The workman examined one Babu Ram W.W. 1, Shri Tula Ram W.W. 2, and himself as W.W. 3. The management then prayed for allowing them to lead additional evidence which was granted to them subject to payment of cost of Rs. 100 only. Costs were paid. Then the management examined one Shri Balwant Rai Labour Officer, Faridabad as M.W. 2 who deposed regarding conciliation proceedings and Exhibit M-2, the resignation and he had signed Exhibit M-2 bore his signature.

I have gone through the entire evidence of the parties and have heard the arguments. I give my findings issuewise.

Issue No. 1—

Exhibit M-2 the resignation of the workman concerned is fully proved. I, therefore, decide this issue in favour of the management.

Issue No. 2—

Issue No. 2 is sufficiently proved in favour of the management by Exhibit M-4, the wage slip which witnesses payment of wages and the bonus and which also witnesses full and final settlement. I, therefore, decide issue No. 2 in favour of the management.

Issue No. 3—

As issues Nos. 1 and 2 have been proved in favour of the management, issue No. 3 is decided against the workman.

In view of my finding on the above issues, I give my award as follows:—

That the termination of services of Shri Deep Chand never took place. Instead, the workman resigned his job. He is not entitled to any relief.

Dated the 25th January, 1978.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 78, dated 27th January, 1978.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 27th January, 1978

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 10th February, 1978

No. 1422-3Lab-77/1294.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Fire Bricks Company, Pvt. Ltd., Gurgaon:—

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.**

**Reference No. 133 of 1977**

*between*

**THE WORKMEN AND THE MANAGEMENT OF M/S HARYANA FIRE BRICKS COMPANY PVT. LTD., GURGAON.**

*Present: —*

Nemo, for the workmen.

Shri S. K. Yadav for Shri A. D. Kulkatkar, for the management

**AWARD**

By order No. ID/GG/272-77/29306, dated 2nd August, 1977, the Governor of Haryana, referred the following dispute between the management of M/s Haryana Fire Bricks Company, Pvt. Ltd., Gurgaon and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the workmen are entitled

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed on 8th December, 1977

- (1) Whether the management company is not covered under the payment of Bonus Act, 1965 ?
- (2) Whether the workmen are entitled to the grant of Bonus at a higher rate than declared by the management for the year, 1975-76 ? If so, with what details ?

The case was fixed for the evidence of the workmen. Today neither any workmen of the management nor the representative for the workman appeared. The representative for the management only appeared who made an application that the dispute had been settled between the parties and award may be given as per terms of the settlement. He also filed the settlement Ex. M-1. I, therefore, give my award in terms of the settlement and the settlement shall form the award.

Dated the 1st February, 1978.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 93, dated the 1st February, 1978.

Forwarded (four copies), to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 1st February, 1978.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

#### Form of Memorandum of Settlement

Name of parties

(1) The Director,

M/s. Haryana Firebricks  
Manufacturing Company Pvt.  
Ltd. Basai Road, Gurgaon.

(2) The workmen through

Shri Shardhanand, General  
Secretary, Gurgaon Factories  
Workmen Union, Gurgaon.

#### Short recital of the Case

Whereas the dispute between the workmen through Shri Shardhanand, General Secretary, Gurgaon Factories Workmen Union, Gurgaon and the management of M/s. Haryana Firebricks Manufacturing Company P. Ltd., Gurgaon is pending before the Presiding Officer, Industrial Tribunal, Haryana Faridabad,—  
*Vide* Reference No. 133 of 1977.

And whereas there have been mutual discussions between the workmen through Shri Shardhanand, General Secretary and the management of M/s. Haryana Firebricks Manufacturing Company P. Ltd., Gurgaon from time to time as a result of which the management and the workmen through Shri Shardhanand have finally resolved their differences as per the terms set out below in the Settlement on the 24th day of December, 1977.

#### Terms of Settlement

1. The workmen alongwith Shri Shardhanand, General Secretary, Gurgaon Factories Workmen Union, Gurgaon have examined the Balance Sheets of M/S Haryana Firebricks Manufacturing Company P. Ltd. Gurgaon since inception and were fully satisfied that the said company is running in losses.

2. That it is further agreed between the parties, even though the company is in losses, the management shall pay the bonus to the workmen for the accounting years 1975, 1976 and 1977 at the rates given below:—

(a) For the accounting years 1975- @ 4 per cent.

(b) Ditto 1976-@ 4 "

(c) Ditto 1977-@ 8.33 "

3. It is agreed between the parties that this bonus shall be paid as shown below :—

- (a) For the accounting years 1975 and 1976—on or before 31st March, 1971.
- (b) For the accounting years 1977—on or before 31st August, 1978.

The above bonus shall be payable to all employees working in these respective years.

This settlement resolves all the dispute and differences between the management of M/s. Haryana Firebricks Manufacturing Company P. Ltd., Gurgaon and its workmen through Shri Shardhanand, General Secretary, Gurgaon Factories Workmen Union, Gurgaon till to date and the workmen will not be entitled to raise any dispute or difference pertaining to any period prior to the date of this Settlement.

The workmen through this settlement agreed and undertake not to raise any dispute whatsoever involving any financial burden to the management or otherwise.

This settlement comes into force immediately on the signing of this settlement by the parties and the date of signing will be the date of operation of this settlement.

The workmen through Shri Shardhanand, General Secretary, Gurgaon Factories Workmen Union, Gurgaon are hereby withdraw the dispute,—vide Reference No. 133 of 1977, pending before the Presiding Officer, Industrial Tribunal, Haryana, Faridabad and request the Hon'ble Court to make an award to that effect keeping in view of this Settlement.

Witnesses :—

- 1. (Sd.) . . . ,
- 2. (Sd.) . . . ,
- 1.
- 2.

Signature of the Parties :—

- 1. (Sd.) . . . ,
- 1. (Sd.) . . . ,

Attested

(Sd.) . . . ,

Presiding Officer,  
Industrial Tribunal, Haryana.  
Faridabad.

No. 1423-3Lab-78/1300.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad in respect of the dispute between the workmen and the management of M/s. Gupta Potteries, Basai Road, Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD

Reference No. 134 of 1977

between

THE WORKMEN AND THE MANAGEMENT OF M/S GUPTA POTTERIES, BASAI ROAD,  
GURGAON.

Present :—

Nemo for the workmen.

Shri S. K. Yadav for Shri A.D. Kulkatkar for the management.

#### AWARD

By order No. ID/GG/276-77/29286, dated 8th August, 1977 the Governor of Haryana, referred the following dispute between the management of M/s Gupta Potteries, Basai Road, Gurgaon and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the workmen are entitled to the grant of bouns at a higher rate than declared by the management for the year, 1975-76 ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 8th December, 1977:—

- (1) Whether the management company is not covered under the Payment of Bonus Act, 1965 ?
- (2) Whether the workmen are entitled to the grant of bonus at a higher rate than declared by the management for the year 1975-76 ? If so, with what details ?

The case was fixed for the evidence of the workmen on 1st February, 1978. On 1st February, 1978 neither the workmen nor his representative appeared. The representative for the management appeared and made an application that the dispute has been settled between the parties and therefore, the award may be given in the light of the settlement. I have seen the settlement. It purports to have been arrived at through the representative of the workmen's union. It is mentioned in the application that the workmen and the General Secretary of the union have examined the balance sheet of the management and were satisfied that the management was running in losses. They were also satisfied that the company has started only in 1975 and have not yet completed first six accounting years and is not covered under the Payment of Bonus Act and the bonus was not payable to them, hence the settlement reads that the workmen withdraw their dispute. I am, therefore, left with no alternative but to give my award in the light of the settlement. As per the settlement the workmen have withdrawn their disputes. I, therefore, give my award that the workmen are not entitled to the grant of bonus at a higher rate than declared by the management for the year 1975-76. No details are necessary.

Dated the 1st February, 1978

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 92, dated the 1st February, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

the 1st February, 1978.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1428-3Lab-78/1314.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Supreme Steel Rolling and Allied Industries, Bahadurgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Application No. 4, 5, 22, 23, 25 of 1977 under  
section 33-A of the Industrial Disputes Act, 1947

between

SARVSHRI PREM SAGAR, BHISHAN CHANDER, ROSHAN LAL, MUNA LAL  
AND RAM BHANWAR, WORKMEN AND THE MANAGEMENT OF M/S SUPREME  
STEEL ROLLING AND ALLIED INDUSTRIES, BAHADURGARH

Present.—

Shri Madhu Sudan Saran Cowshish and Shri Rajinder Singh Dahyia, for the workmen.

Shri Roshan Lal Gupta and Shri Surinder, Kaushal, for the management.

#### AWARD

The workmen Sarvshri Prem Sagar Turner, Bhishan Chander Turner, Roshan Lal, Muna Lal and Ram Bhanwar made applications under section 33-A of the Industrial Disputes Act, 1947 alleging that the management contravened the provisions of sections 33 by discharging their services without giving any reason to them. They did not state in their complaint

as to now the respondent management contravened the provisions of section 33. They merely stated that they have been discharged. They even did not state in their complaints that some reference was pending, most ingredients of complaint under section 33A are missing in the complaint. In these complaints only two things have been mentioned by the workmen that the opposite party has been guilty of a contravention of section 33-A of the Industrial Disputes Act and that the employer illegally discharged their service.

On receipt of these complaints, notices were given to the respondent. The respondent appeared and filed the reply. On the pleading of the parties, the following issue was framed by my learned predecessor on 6th June, 1975:—

“Whether there has been a contravention of the provisions of section 33 of the Industrial Disputes Act, 1947? If so, to what relief in the complainant entitled to?

The case was set for the evidence of the complainants. All these cases were consolidated by my learned predecessor,—vide his order dated 4th September, 1975. W. W. 1 Shri Prem Sagar examined himself and stated that he attended duty up to 2nd February, 1973 and the Manager of respondent on 2nd February, 1973 told him to go away and leave the premises of the factory as his services were no longer required without any notice or charge-sheet. In cross-examination he stated that proceedings relating to dearness allowance were pending in this Tribunal on 2nd February, 1973. He further admitted in cross-examination that he had taken an advance of Rs. 2,910 from the management and he even up to that day owned a sum of Rs 2,160 to the management out of the total amount of Rs 2,910. He received the original letter copy whereof is Ex. M-3 and he did not reply that letter. He denied a suggestion that he voluntarily left the factory on 2nd February, 1973 after he had been asked to make payment of the advance. He admitted his signatures on Ex. M-4 but stated that the management had obtained these signatures on a blank paper at the time of his initial employment saying that they would make use of that in the manner best suiting them and that it was up to him to sign the blank paper or not. Similarly Bhishan Chander examined himself as W. W. 2. He stated that on 2nd February, 1973 he was abruptly asked by the Manager to leave his services. In cross-examination he admitted his signatures on MWW 2/1. He also stated that he did not write any letter to the management before writing the abovesaid letter. He admitted that his brother Prem Sagar has taken an advance from the management. He denied suggestion that he voluntarily left service. He also admitted his signatures on Ex. M-4. Shri Muna Ram examined himself as W. W. 3 who stated that he had appeared as a witness on 7th June, 1973 for a workman named Shri Nathi and therefore, the respondent turned him out. He also admitted his signatures on Ex. M-4 and stated that he had signed on a written paper without knowing or reading its contents. He further admitted, in cross-examination that he received the original of Ex. MWW 3/1 but could not remember whether he received the original of MWW 3/2. He denied the suggestion that he did not present himself for being marked present after the lay-off had been announced. Similarly Roshan Lal, Ram Bhanwar also examined themselves as W. W. 4 and W. W. 5. W. W. 4 stated that he was turned out of the factory by the Manager during pending of reference on the ground that he had appeared as a witness for another workman Shri Nathi. In cross examination he could not remember whether there was a lay-off during June, 1973. He admitted to have received the original letter of Ex. MWW 4/1 and Ex. NWW 4/2. He further stated that he had no dispute with the respondent other than this complaint but said that there was some dispute relating to bonus, leave, dearness allowance and salary. W. W. 5 stated that on 30th July, 1973 he was abruptly asked to leave the factory premises. He accordingly left and went away. In cross-examination he admitted that he had no dispute with the management other than this case. He also could not remember that he thumb-marked any letter addressed to Shri M. K. Jain. The workman then closed their case and withdrew their complaints of Shri Lachman Singh, Ram Din, workmen whose complaints had also been consolidated with these complaints.

Then the case was fixed for the evidence of the management. The management examined there Time Assistant as M. W. 1. He tendered in evidence some documents. The management also examined there storekeeper as M. W. 2 who stated that Muna Lal have been paid off his wages at the rate of Rs 300 P.M. The management then examined their Ex-Manager Shri Harbans Lal as M. W. 3 who stated that the complainants were absent for a long time, Shri Prem Sagar absented for 25th January, 1973 to 17th December, 1973, Bishan Chander absented from 1st February, 1973 to 17th February, 1973. He further stated that there were in outstanding of Rs. 2,160 against Shri Prem Sagar. His brother Shri Bhishan Chander had agreed to pay this sum after Shri Prem Sagar absented and thereafter Shri Bhishan Chander also absented himself. Shri Roshan Lal also absented from 8th June, 1973 to 17th July, 1973. Muna Lal absented for the same period. He proved certain letters sent to these workmen and also proved some other documents. He denied that there was any workman named Shri Ram

Bhanwar. He further stated that the factory had been closed and notice of closure had been sent to the authorities concerned including this Tribunal. In cross-examination he stated that he remained in the service of the respondent upto the date of closure of business and had no connection with the management or partners thereof. The management closed their case.

I have gone through the entire evidence of the parties. I have also heard their arguments. *Vide* Ex. M-3 the management asked Shri Prem Sagar that the workmen had left for his home town, Mandi Gobindgarh (Punjab) without any sanction on leave. Similarly the respondent had written letters to all the complainants that they were absent and had gone, leaving the factory, of their own. *Vide* M. W. W. 3/2 the management wrote to Shri Muna Lal that he did not report for duty within their notice period of three days. Similarly, the management has written letters to all the complainants (workman). There are copies of notice on the file that the management closed the factory with effect from 16th December, 1975.

From the entire evidence of the parties oral as well as documentary, I find that the workman have failed to prove contravention of section 33 of the Industrial Dispute Act, on the part of the management even the pendency of some references has not been proved. I, therefore, decide this issue against the complainants.

As a result of my decision on the above said issue, I dismiss these complaints, No order as to costs. This award disposes off the above said five complaints and be treated as award in all the five complaints, described above.

NATHU RAM SHARMA,

The 30th January, 1978

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 87, dated 1st February, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

The 1st February, 1978

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

G.V. GUPTA, Secy.

राजस्व विभाग

युद्ध जागीर

कोरोजैन्डम

दिनांक 23 फरवरी, 1978

क्रमांक 152-ज(I)-78/5535.—हरियाणा सरकार, राजस्व विभाग, युद्ध जागीर अधिसूचना क्रमांक 1800-ज(I)-76/30698, दिनांक 5 दिसम्बर, 1977, जो कि हरियाणा सरकार के राज्यपाल, दिनांक 13 दिसम्बर, 1977 में मुद्रित की गई है, की क्रम संख्या 1 के विरुद्ध कालम नं० 4 में शब्द 'भोतला कला' की बजाए शब्द "भोतला कला" तथा क्रम संख्या 3 के विरुद्ध कालम नं० 4 में शब्द 'गोठडाटप्पा' की बजाए शब्द 'गोठडाटप्पा' पढ़ा जाए।

क्रमांक 140ज-(I)-78/5639.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए)(1) तथा 3(1) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री भगत राम, पुत्र श्री बल राम, गांव समशपुर, तहसील दादरी, जिला भिवानी, को रबी, 1973 से 150 रुपए वार्षिक कीमत वाली युद्ध जागीर उनके सामने दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

आई० एम० खुंगर,

अवर सचिव, हरियाणा सरकार,  
राजस्व विभाग।